

REMARKS

Further consideration of this application courteously is solicited.

Paper No. 7 begins with an objection to the Abstract. To address this objection, the Abstract Of The Disclosure has been rewritten, and the rewritten Abstract provided on a separate sheet. Accordingly, the objection to the specification, due to criticism of the Abstract, is submitted as overcome hereby.

All of claims 1-14 have been rejected under 35 U.S.C. §103(a) as purportedly obvious over Applicants' admitted prior art (APA) in view of U.S. Patent 6,324,338 to Wood, et al. (Wood). This rejection is traversed.

Applicants' invention is directed to overcoming a problem that Applicants summarize in the paragraph bridging pages 11 and 12 in their specification. That is, conventional program recording apparatus have relied upon criteria that have resulted in erasure of programs even though the user never intended for such programs to have been erased. Pursuant to this objective, Applicants have amended the independent claims to clarify that the user exercises ultimate control over which programs will be erased, prior to the recording of new programs which require additional disc space that is not made available until some previously-recorded programs are erased. Claim 1 will be used as an example. As amended, both claims 1 and 2 now further clarify that the "predetermined criteria" which establish how previously-recorded programs are to be erased, include "an erasure possibility" that is set prior to the erasure of any programs to be erased.

To ensure full understanding of the above-described amendment of claim 1 (and the other independent claims), reference will be made to Applicants' exemplary, preferred embodiments as set forth in the specification and as illustrated in the drawings. In this regard, attention is invited to Figure 3. Figure 3 illustrates Applicants' "program management information". As introduced in the paragraph bridging pages 22 and 23 of their specification, Applicants' program management information is generated according to input from the infrared remote controller 50 (Figure 1) which, of

course, is operated by the user. A very significant part of the information included in Figure 3 resides in the third column with the heading "program group erasure possibility conditions". By way of remote controller 50, the user, in the example of Figure 3, has designated the shows "News Seven" and "Professional Baseball Game" on channels 12 and 08 as "erasable". On the other hand, "Holiday in Los Angeles" and "It Will be Sunny Tomorrow" are designated "non-erasable". These designations have been made by the user at the time that the user instructed recordation of these particular programs. (Actually, per Applicants' specification, page 39, first full paragraph, the user can change the erasure possibility at any time.) As such, when the system confronts the situation where there is insufficient disc space to record a new program desired by the user, Applicants' claimed apparatus determines which previously-recorded programs can be erased in order to provide the disc space. The determination is based in large part, upon whether the user has designated the previously-recorded programs as "erasable" or "non-erasable". For instance, compare Figures 5 and 6 where the user instructed recordation of the new show "Total Solar Eclipse". To provide space for the recording of this new show, the previously-designated "erasable" "Professional Baseball Game" on channel 08 has been erased, and thus excluded from the program management information depicted in Figure 6. The baseball game appears in Figure 5 but not in Figure 6.

In this way, it is understood that Applicants' claimed apparatus is concerned with protecting from erasure, programs that the user particularly wants to maintain. Applicants' apparatus, in a sense, is "pro-active" with respect to protecting certain programs. It accepts information from the user, before recordation of each program or group of programs, or at least before erasure of any such program or programs, in order to receive "erasure possibility" information advising the apparatus as to whether or not any particular program or group of programs may be erased. This concept is very different from what is taught to those of ordinary skill in the art by the Wood patent.

From a study of Wood, those of ordinary skill in the art would understand that Wood emphasizes user criteria for the recording of new programs. In general, those of ordinary skill in the art would appreciate that Wood teaches the use of available channel guides so as to provide the user of the Wood invention with various information to assist in deciding which programs to record. For instance, the Wood system collects channel guide data in the form of program titles, start times, end times, channel information, and criteria such as ratings, descriptions of shows, actors' names, producers, directors, awards and the like in making this data available to the user to broaden the user's knowledge for program selection.

With this important objective in mind, Wood devotes relatively little of its disclosure toward erasure of recorded programs. Of course, due to the problem of exhaustion of disc space, Wood does mention ways of freeing disc space. However, Wood directs those of ordinary skill in the art to an arrangement wherein oldest programs automatically are erased. For instance, the Office Action refers to column 4, lines 35-50 of Wood. This section discusses that where there is insufficient room for recordation on a disc, "...a show may be selected for removal if it is a lower priority than the show to be recorded." Wood goes on to give an example of what constitutes such a "lower priority" by referring to the "personal channels" that are described in detail in column 7. In column 7, at lines 38-45, the Wood patent makes clear that when the disc space is exceeded, "...the system automatically deletes the oldest show in the personal channel in order to make room for the new shows to be recorded." This is fully consistent with the last sentence in column 4, in the paragraph between lines 29-50, where Wood teaches that where a new episode of a situation comedy is to be recorded, the earliest episode of that comedy, in the personal channel, may be deleted.

From the above-discussed passages in Wood, it is clear that Wood contains no teaching or suggestion, to those of ordinary skill in the art, to accept Applicants' recited "erasure possibility" information as part of program management information, and then either erase or not erase a previously-recorded program in accordance with such erasure

possibility data. For at least this reason, the APA and Wood, whether considered individually or in combination, fail to teach or suggest Applicants' apparatus as set forth in either of independent claims 1 or 2.

Independent claim 11 is worded differently from either claim 1 or claim 2. Claim 11, instead, recites a "comprehensive setting," or "comprehensively set" for recording. By this terminology, Applicants again cover their "pro-active" approach to the problem of maintaining programs that are not to be erased by making such designation as part of a "comprehensive setting for recording." As discussed in connection with claims 1 and 2, neither the APA nor Wood teaches or suggests such a feature to those of ordinary skill in the art.

There is another aspect of Wood that also should be considered. This also appears in connection with Wood's teaching of "personal channels". Attention is invited to the paragraph beginning at line 46 and extending through line 56 of Wood. This paragraph discusses user adjustment of the size of disc space allocated to a given personal channel. Wood discusses the event that there is not sufficient space on the disc, and offers "If there is not sufficient room on the disc to allocate space when the personal channel is created, the user is given an opportunity to delete other previously-recorded or previously-allocated disc space." This bare statement, however, is all that Wood offers with respect to giving the user the ultimate decision of what disc space should be freed for recording in personal channels. Wood provides no specifics as to how the user is given any opportunity to delete previously-recorded or previously-allocated disc space. Wood therefore simply does not suggest, to those of ordinary skill in the art, any arrangement such as Applicants' where program management data is made to include Applicants' recited erasure possibility (data) to ensure protection of programs that the user does not wish to have erased. As compared to Applicants' "pro-active" approach, Wood takes a "reactive" approach in attending to the problem of insufficient disc space generally by automatically deleting oldest shows. Alternatively, in the case of personal channels, Wood simply suggests that the user be given some

control over the allocation of disc space, without providing any specifics as to how this should be done. Hence, Applicants courteously urge that, to those of ordinary skill in the art, Wood simply would not have taught or suggested Applicants' claimed arrangement where an erasure possibility is set prior to recordation of programs to be erased, in the language of Applicants' independent claims.

For at least the foregoing reasons, Applicants courteously urge that the rejection based upon the APA in view of Wood is overcome. Withdrawal of this rejection courteously is solicited.

In view of the foregoing, it courteously is urged that all of the pending claims are allowable and that, therefore, this application now is in condition for allowance. Favorable action in this regard earnestly is solicited.

Respectfully submitted,

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